

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 AGR-05 AID-05 L-03 SP-02 NSC-05

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DRAFTED BY EB/OF/FFD:RBMCMULLEN:DE

APPROVED BY EB/OF/FFD:RESERVICE

EUR/IB:WKELLY

EB/ITP:AREICHENBACH (SUBS)

USDA/FAS:FJACK

GC/NE:MBKITAY

AID/GC:ARICHSTEIN

AID/FFP:JDURNAN

L/EB:CROH

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P 022244Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY LISBON PRIORITY

C O N F I D E N T I A L STATE 001041

E.O. 11652: GDS

TAGS: EAID, EAGR

SUBJECT: SEC. 103(D)(3) PL 480 - POSSIBLE NEED FOR

-- PRESIDENTIAL WAIVER

1. SEC. 103(D)(3) OF PL 480 BARS TITLE I SALES AGREE-
MENTS WITH COUNTRIES SELLING OR OTHERWISE FURNISHING
COMMODITIES TO, OR PERMITTING THEIR SHIPS OR AIRCRAFT TO
CALL AT, CUBA OR NORTH VIETNAM, UNLESS PRESIDENTIAL WAIVER
OBTAINED. (FYI. THIS SECTION AMENDED RECENTLY BY ENACT-
MENT OF INTERNATIONAL DEVELOPMENT AND FOOD ASSISTANCE
ACT OF 1975 ALSO TO PERMIT PRESIDENTIAL WAIVERS FOR TRADE
WITH NORTH VIETNAM, ALL COMMODITIES, AND FOR ALL RPT ALL
PLANE/SHIP TRAFFIC TO OR FROM NORTH VIETNAM AND CUBA.)

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2. RECENT UPDATE OF GOP STATUS REGARDING RESTRICTIONS
CONTAINED 103(D)(3) INDICATES GOP PL 480 TITLE I ELIGIBILITY
MAY HAVE CHANGED. LATEST DEPT. OF COMMERCE FIGURES
BASED ON 1974 PORTUGUESE STATISTIQUES DU COMMERCE
EXTERIEUR/ESTATISTICAS DO COMERCIO EXTERNO (INSTITUTO
NACIONAL DE ESTATISTICA) AND SEPT 1975 BOLETIN MENSAL DE
ESTATISTICA (INSTITUTO NACIONAL DE ESTATISTICA) INDICATE
THAT PORTUGUESE EXPORTS TO CUBA TOTALED 4,526,000 ESCUDOS
IN CY 1974 AND 11,364,000 ESCUDOS IN JAN-SEPT. 1975 PERIOD.
NO COMMODITY BREAKDOWN OF ABOVE EXPORTS READILY AVAILABLE.

3. IN ORDER DETERMINE IF PRESIDENTIAL WAIVER REQUIRED WE
NEED FOLLOWING INFORMATION:

A. WHETHER EXPORTS REFERRED TO IN PARA. 2 ARE PRIVATE OR
FURNISHED OR SOLD BY GOVERNMENT ENTITY. (FYI. SEC. 103(D)
(3) DOES NOT APPLY TO PRIVATE TRADE.);

B. WHETHER PORTUGAL IN VIOLATION OF SEC. 103(D)(3) AIR-
CRAFT/SHIPPING PROVISIONS;

C. EMBASSY ASSESSMENT OF TREND OF GOP EXPORTS AND PLANE/
SHIP TRAFFIC TO CUBA AND NORTH VIETNAM FOR IMMEDIATE
FUTURE.

4. IF REQUIRED, PRESIDENTIAL WAIVER PROCESS NORMALLY
TAKES 2-3 WEEKS. WHILE IT DESIRABLE HAVE FULLEST TRADE/
TRAFFIC DATA AVAILABLE AND IN ANY EVENT WE NEED ENOUGH TO
DETERMINE WHETHER WAIVER IS NECESSARY, IN INTEREST
MINIMIZING DELAY YOU SHOULD BE AWARE THAT WAIVER REQUEST
ITSELF DOES NOT NORMALLY INCLUDE DETAILED INFORMATION. INGERSOLL

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